

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette, Series I No. 18 dated 1-8-1996 namely, Extraordinary dated 2-8-1996 from pages 197 to 198 regarding Notifications from Departments of General Administration, Power and Revenue.

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

10-2-92/LA (Part)

The Protection of Human Rights Ordinance, 1993 (No. 30 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 28-9-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 21st January, 1994.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 28th September, 1993/Asvina 6, 1915 (Saka)

THE PROTECTION OF HUMAN RIGHTS ORDINANCE, 1993

No. 30 of 1993

Promulgated by the President in the Forty-fourth Year of the Republic of India.

An Ordinance to provide for the constitution of a National Human Rights Commission, State Human Rights Commissions in States of Human Rights Courts for better protection of human rights and for matters connected therewith or incidental thereto.

Whereas the Human Rights Commissions Bill, 1993 for the constitution of the said Commissions has been introduced in Parliament but has not yet been passed;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the Protection of Human Rights Ordinance, 1993:

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. *Definitions.*— (1) In this Ordinance, unless the context otherwise requires,—

(a) “armed forces” means the naval, military and air forces and includes any other armed forces of the Union;

(b) “Chairperson” means the Chairperson of the Commission or of the State Commission as the case may be;

(c) “Commission” means the National Human Rights Commission constituted under section 3;

(d) “human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India;

(e) “Human Rights Court” means the Human Rights Court specified under section 30;

(f) “International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966;

(g) "Member" means a Member of the Commission or of the State Commission, as the case may be, and includes the Chairperson;

(h) "National Commission for Minorities" means the National Commission for Minorities constituted under section 3 of the National Commission for Minorities Act, 1992;

(i) "National Commission for the Scheduled Castes and Scheduled Tribes" means the National Commission for the Scheduled Castes and Scheduled Tribes referred to in article 338 of the Constitution;

(j) "National Commission for Women" means the National Commission for Women constituted under section 3 of the National Commission for Women Act, 1990;

(k) "notification" means a notification published in the Official Gazette;

(l) "prescribed" means prescribed by rules made under this Ordinance;

(m) "public servant" shall have the meaning assigned to it in section 21 of the Indian Penal Code;

(n) "State Commission" means a State Human Rights Commission constituted under section 21, 45 of 1860.

(2) Any reference in this Ordinance to a law, which is not in force in the State of Jammu and Kashmir, shall in relation to that State be construed as a reference to a corresponding law, if any, in force in that State.

CHAPTER II

The National Human Rights Commission

3. *Constitution of a National Human Rights Commission.*—(1) The Central Government shall constitute a body to be known as the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, it under this Ordinance.

(2) The Commission shall consist of—

(a) a Chairperson who has been a Chief Justice of the Supreme Court;

(b) one Member who is, or has been, a Judge of the Supreme Court;

(c) one Member who is, or has been, the Chief Justice of a High Court;

(d) two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

(3) The Chairpersons of the National Commission for Minorities, the National Commission for the Scheduled Castes and Scheduled Tribes and the National Commission for Women, shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of section 12.

(4) There shall be a Secretary-General who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission as it may delegate to him.

(5) The headquarters of the Commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in India.

4. *Appointment of Chairperson and other Members.*—(1) The Chairperson and other Members shall be appointed by the President by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made after obtaining the recommendations of a Committee consisting of—

(a) the Prime Minister — Chairperson;

(b) Speaker of the House of the People — member;

(c) Minister in-charge of the Ministry of Home Affairs in the Government of India — member;

(d) Leader of the Opposition in the House of the People — member;

(e) Leader of the Opposition in the Council of States — member;

(f) Deputy Chairman of the Council of States — member;

Provided further that no sitting Judge of the Supreme Court or sitting Chief Justice of a High Court shall be appointed except after consultation with the Chief Justice of India.

(2) No appointment of a Chairperson or a Member shall be invalid merely by reason of any vacancy in the Committee.

5. *Removal of a Member of the Commission.*—(1) Subject to the provisions of sub-section (2), the Chairperson or any other Member of the Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.

(2) Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be,—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is, unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

6. *Term of office of Members.*— (1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years:

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of India or under the Government of any State.

7. *Member to act as Chairperson or to discharge his functions in certain circumstances.*— (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the President may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the President may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

8. *Terms, etc., conditions of service of Members.*— The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment.

9. *Vacancies, etc., not to invalidate the proceedings of the Commission.*— No act or proceedings of the Commission shall be questioned or shall be invalidated merely on the ground of existence of any vacancy or defect in the constitution of the Commission.

10. *Procedure to be regulated by the Commission.*— (1) The Commission shall meet at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Secretary-General or any other officer of the Commission duly authorised by the Chairperson in this behalf.

11. *Officers and other staff of the Commission.*— (1) The Central Government shall make available to the Commission—

(a) an officer of the rank of the Secretary to the Government of India who shall be the Secretary-General of the Commission; and

(b) such police and investigative staff under an officer not below the rank of a Director General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission.

(2) Subject to such rules as may be made by the Central Government in this behalf, the Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.

(3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed.

CHAPTER III

Functions and Powers of the Commission

12. *Functions of the Commission.*— The Commission shall perform all or any of the following functions, namely:

(a) inquire, *suo motu* or on a petition presented to it by victim or any person on his behalf, into complaint of,—

(i) violation of human rights or abetment thereof; or

(ii) negligence in the prevention of such violation, by a public servant;

(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;

(c) visit, under intimation to the State Government, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon;

(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

(e) review the factors, including acts of terrorism, that inhibits the enjoyment of human rights and recommend appropriate remedial measures;

(f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;

(g) undertake and promote research in the field of human rights;

(h) spread human rights literacy among various sections of society and promote awareness, of the safeguards available for the protection of these rights, through publications, the media, seminars and other available means;

(i) encourage the efforts of non-governmental organisations and institutions working in the field of human rights;

(j) such other functions as it may consider necessary for the promotion of human rights.

13. *Powers relating to inquiries.*— (1) The Commission shall, while inquiring into complaints under this Ordinance shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, 5 of 1908, and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) any other matter which may be prescribed.

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and 45 of 1860, section 177 of the Indian Penal Code.

(3) The Commission or any other officer, not below the rank of a Gazetted Officer, specially authorised in this behalf by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973, 2 of 1974, in so far as it may be applicable:

(4) The Commission shall be deemed to be a civil court and when any offence, as is described in section 175, section 178, section 179, section 180 or section 228 of the Indian Penal Code is committed 45 of 1860, in the view or presence of the Commission, the Commission may, after recording the facts constituting the offence and the statement of the accused as provided for in the Code of Criminal Procedure, 1973, forward the case to a Magistrate having 2 of 1974, jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

(5) Every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for purposes of section 196, of the Indian Penal Code, and the Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 2 of 1974.

14. *Investigation.*— (1) The Commission may for the purpose of conducting any investigation pertaining to the inquiry utilise the services of any officer or investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be.

(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission,—

(a) summon and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document; and

(c) requisition any public record or copy thereof from any office.

(3) The provisions of section 15 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency whose services are utilised under sub-section (1) shall investigate into any matter pertaining to the inquiry and submit a report thereon to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusion, if any, arrived at in the report submitted to it under sub-section (4) and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.

15. Statement made by persons to the Commission.—No statement made by a person in the course of giving evidence before the Commission shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement:—

(a) is made in reply to the question which he is required by the Commission to answer; or

(b) is relevant to the subject matter of the inquiry.

16. Persons likely to be prejudicially affected to be heard.—If, at any stage of the inquiry, the Commission,—

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of the opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

it shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence;

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

CHAPTER IV

Procedure

17. Inquiry into complaints.—The Commission while inquiring into the complaints of violations of human rights may—

(i) call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it:

Provided that—

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

(ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.

18. Steps after inquiry.—The Commission may take any of the following steps upon the completion of an inquiry held under this Ordinance, namely:—

(1) where the inquiry discloses the commission of violation of human rights, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit, against the concerned person or persons;

(2) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(3) recommend to the concerned Government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(4) subject to the provisions of clause (5) provide copy of the inquiry report to the petitioner or his representative;

(5) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(6) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.

19. *Procedure with respect to armed forces.*—(1) Notwithstanding anything contained in this Ordinance, while dealing with complaints of violation of human rights by members of the armed forces, the Commission shall adopt the following procedure, namely:—

(a) it may, either on its own motion or on receipt of a petition, seek a report from the Central Government;

(b) after the receipt of the report, it may either not proceed with the complaint or as the case may be, make its recommendations to that Government.

(2) The Central Government shall inform the Commission of the action taken on the recommendations within three months or such further time as the Commission may allow.

(3) The Commission shall publish its report together with its recommendation made to the Central Government and the action taken by that Government on such recommendations.

(4) The Commission shall provide a copy of the report published under sub-section (3) to the petitioner or his representative.

20. *Annual and special reports of the Commission.*—(1) The Commission shall submit an annual report to the Central Government and to the State Government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The Central Government and the State Government, as the case may be, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature respectively, as the case may be, along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for non-acceptance of the recommendations, if any.

CHAPTER V

State Human Rights Commissions

21. *Constitution of State Human Rights Commissions.*—(1) A Government may constitute a body to be known as the..... (name of the State) Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to, a State Commission under this Chapter.

(2) The State Commission shall consist of—

(a) a Chairperson who has been a Chief Justice of a High Court;

(b) one Member who is, or has been, a Judge of a High Court;

(c) one Member who is, or has been, a district judge in that State;

(d) two members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

(3) There shall be a Secretary who shall be the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions of the State Commission as it may delegate to him.

(4) The headquarters of the State Commission shall be at such place as the State Government may, by notification, specify.

(5) A State Commission may inquire into violation of human rights only in respect of matters relatable to any of the entries enumerated in List II and List III in the Seventh Schedule to the Constitution:

Provided that if any such matter is already being inquired into by the Commission or any other Commission duly constituted under any law for the time being in force, the State Commission shall not inquire into the said matter.

Provided further that in relation to the Jammu and Kashmir Human Rights Commission, this sub-section shall have effect as if that for the words and figures "List II and List III" the words and figures "List III, as applicable to the State of Jammu and Kashmir," had been substituted.

22. *Appointment of Chairperson and other Members of State Commission.*—(1) The Chairperson and other Members shall be appointed by the Governor by warrant under his hand and seal:

Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of,—

(a) the Chief Minister —chairperson;

(b) Speaker of the Legislative Assembly —member;

(c) Minister in-charge of the Department of Home in that State —member;

(d) Leader of the Opposition in the Legislative Assembly —member;

Provided further that where there is a Legislative Council in a State, the Chairman of that Council and the leader of the opposition in that Council shall also be members of the Committee:

Provided also that no sitting Judge of a High Court or a sitting district judge shall be appointed except after consultation with the Chief Justice of the High Court of the concerned State:

(2) No appointment of a Chairperson or a Member of the State Commission shall be invalid merely by reason of any vacancy in the Committee.

23. *Removal of a Member of the State Commission.*— (1) Subject to the provision of sub-section (2), the Chairperson or any other Member of the State Commission shall only be removed from his office by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference being made to it by the President, has, on inquiry held in accordance with the procedure prescribed in that behalf by the Supreme Court, reported that the Chairperson or such other Member, as the case may be, ought on any such ground to be removed.

(2) Notwithstanding anything in sub-section (1), the President may by order remove from office the Chairperson or any other Member if the Chairperson or such other Member, as the case may be,—

(a) is adjudged an insolvent; or

(b) engages during his term of office in any paid employment outside the duties of his office; or

(c) is, unfit to continue in office by reason of infirmity of mind or body; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) is convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude.

24. *Term of office of Members of the State Commission.*—

(1) A person appointed as Chairperson shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of seventy years, whichever is earlier.

(2) A person appointed as a Member shall hold office for a term of five years from the date on which he enters upon his office and shall be eligible for re-appointment for another term of five years:

Provided that no Member shall hold office after he has attained the age of seventy years.

(3) On ceasing to hold office, a Chairperson or a Member shall be ineligible for further employment under the Government of a State or under the Government of India.

25. *Member to act as Chairperson or to discharge his functions in certain circumstances.*— (1) In the event of the occurrence of any vacancy in the office of the Chairperson by reason of his death, resignation or otherwise, the Governor may, by notification, authorise one of the Members to act as the Chairperson until the appointment of a new Chairperson to fill such vacancy.

(2) When the Chairperson is unable to discharge his functions owing to absence on leave or otherwise, such one of the Members as the Governor may, by notification, authorise in this behalf, shall discharge the functions of the Chairperson until the date on which the Chairperson resumes his duties.

26. *Terms and conditions of service of members of the State Commission.* The salaries and allowances payable to, and other terms and conditions of service of, the Members shall be such as may be prescribed by the State Government:

Provided that neither the salary and allowances nor the other terms and conditions of service of a Member shall be varied to his disadvantage after his appointment.

27. *Officers and other staff of State Commission.*— (1) The State Government shall make available to the Commission—

(a) an officer not below the rank of a Secretary to the State Government who shall be the Secretary of the State Commission; and

(b) such police and investigative staff under an officer not below the rank of an Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State Commission.

(2) Subject to such rules as may be made by the State Government in this behalf, the State Commission may appoint such other administrative, technical and scientific staff as it may consider necessary.

(3) The salaries, allowances and conditions of service of the officers and other staff appointed under sub-section (2) shall be such as may be prescribed by the State Government.

28. *Annual and special reports of State Commission.*—

(1) The State Commission shall submit an annual report to the State Government and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it should not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and special reports of the State Commission to be laid before each House of State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House alongwith a memorandum of action taken or proposed to be taken on the recommendations of the State Commission and the reasons for non-acceptance of the recommendations, if any.

29. *Application of certain provisions relating to National Human Rights Commission to State Commissions.*— The provisions of sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:

(a) references to "Commission" shall be construed as references to "State Commission";

(b) in section 10, in sub-section (3), for the word "Secretary-General", the word "Secretary" shall be substituted;

(c) in section 12, clause (f) shall be omitted;

(d) in section 17, in clause (i), the words "Central Government or any" shall be omitted.

CHAPTER VI

Human Rights Courts

30. *Human Rights Court.*— For the purpose of providing for speedy trial of offences arising out of violation of human rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district a Court of Session to be a Human Rights Court to try the said offences:

Provided that nothing in this section shall apply if—

- (a) a Court of Session is already specified as a special court;
- or
- (b) a special court is already constituted,

for such offences under any other law for the time being in force.

31. *Special Public Prosecutor.*— For every Human Rights Court, the State Government shall, by notification, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

CHAPTER VII

Finance, Accounts and Audit

32. *Grants by the Central Government.*— (1) The Central Government shall, after due appropriation made by parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Ordinance.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Ordinance, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

33. *Grants by the State Government.*— (1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Ordinance.

(2) The State Commission may spend such sums as it thinks fit for performing the functions under Chapter V, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

34. *Accounts and audit.*— (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultations with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Ordinance shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Commission and the Central Government shall cause the audit report to be laid, as soon as may be, after it is received, before each House of Parliament.

35. *Accounts and audit of State Commission.*— (1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the State Commission under this Ordinance shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.

(4) The accounts of the State Commission, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be, after it is received, before the State Legislature.

CHAPTER VIII

Miscellaneous

36. *Matters not subject to jurisdiction of the Commission.*— (1) The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

(2) The Commission or the State Commission shall not inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

37. Constitution of special investigation teams.— Notwithstanding anything contained in any other law for the time being in force, where the Government considers it necessary so to do, it may constitute one or more special investigation teams, consisting of such police officers as it thinks necessary for purposes of investigation and prosecution of offences arising out of violations of human rights.

38. Protection of action taken in good faith.— No suit or other legal proceeding shall lie against the Central Government, State Government, Commission, State Commission or any Member thereof or any person acting under the direction either of the Central Government, State Government, Commission or the State Commission in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rules or any order made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, the Commission or the State Commission of any report, paper or proceedings.

39. Members and officers to be public servants.— Every Member of the Commission, State Commission, and every officer appointed or authorised by the Commission or the State Commission to exercise functions under this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

40. Power of Central Government to make rules.— (1) The Central Government may, by notification, make rules to carry out the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the salaries and allowances and other terms and conditions of service of the Members under section 8;

(b) the conditions subject to which other administrative, technical and scientific staff may be appointed by the Commission and the salaries and allowances of officers and other staff under sub-section (3) of section 11;

(c) any other power of a civil court required to be prescribed under clause (f) of sub-section (1) of section 13;

(d) the form in which the annual statement of accounts is to be prepared by the Commission under sub-section (1) of section 34; and

(e) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that

the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

41. Power of State Government to make rules.— (1) The State Government may, by notification, make rules to carry out the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the salaries and allowances and other terms and conditions of service of the Members under section 26;

(b) the conditions subject to which other administrative, technical and scientific staff may be appointed by the State Commission and the salaries and allowances of officers and other staff under sub-section (3) of section 27;

(c) the form in which the annual statement of accounts is to be prepared under sub-section (1) of section 35.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

42. Power to remove difficulties.— (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

SHANKER DAYAL SHARMA
President

K. L. MOHANPURIA,
Secy. to the Govt. of India.

Corrigenda

In the Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Ordinance, 1993 (Ord. 4 of 1993) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 2nd January, 1993 (Issue No. 6),—

At page 3,—

(i) in line 20, for "section 4 and 5", read "sections 4 and 5";

(ii) in line 32, for "at the end", read "at the end".

Corrigenda

In the Industrial Finance Corporation (Transfer of Undertaking and Repeal) Ordinance, 1993 (Ord. 5 of 1993) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 2nd January, 1993 (Issue No. 7),—

1. At page 2, in line 4, *for "Act", read "Ordinance"*.
2. At page 3,—
 - (i) in line 37, *for "Director of the Board", read "a Director of the Board"*;
 - (ii) in line 42, *for "shall hold", read "shall hold"*:
3. At page 4, in line 20, *for "trust" read "trusts"*.

Corrigendum

10-5-96/LA-Vol. I.

The following Corrigendum received from Government of India, Ministry of Law, Justice and Company Affairs, New Delhi is hereby published for the general information of the public.

P. V. Kadheker, Joint Secretary (Law).

Panaji, 16th July, 1996.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 19th April, 1996/Chaitra 30, 1918 (Saka)

Corrigenda

In the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance, 1996 (Ord. 2 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 5th January, 1996 (Issue No. 9),—

1. at page 2,—
 - (i) in line 7, *for "substituted", read "substituted"*.
 - (ii) in line 29, *for "widowever's", read "widower's"*.
2. at page 3,—
 - (i) in line 27, *for "clause", read "sub-section"*;
 - (ii) in line 39, *for "as well" as, read "as well as"*.

Corrigenda

In the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1996 (Ord. 3 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 5th January, 1996 (Issue No. 10),—

1. at page 5, in line 15, *after "to be", insert "the"*.
2. at page 6, in line 16, *for "preferred", read "REFERRED"*.
3. at page 7, in line 28, *for "undertaken", read "undertaken"*.
4. at page 8, in line 4 from bottom, *for "22. (a)", read "22. (1)"*.
5. at page 10, in line 18, *for "be", read "have"*.
6. at page 13,—
 - (i) in line 13, *for "apporpriate", read "appropriate"*;
 - (ii) in line 29, *for "explosive", read "explosives"*.
7. at page 14, in line 15, *for "euiements", read "equipments"*.
8. at page 16, in line 3 from bottom, *for "improsiment" read "imprisonment"*.
9. at page 22, in line 3, *for "sub-sections", read "sub-section"*.

Corrigenda

In the Building and other Construction Workers' Welfare Cess Ordinance, 1996 (Ord. 4 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 5th January, 1996 (Issue No. 11),—

1. at page 1, in line 8, *for "Workres", read "Workers"*.
2. at page 2,—
 - (i) in line 43, *for "officer or the", read "officer or"*;
 - (ii) in line 46, *for "officer or the authority", read "officer or authority"*.

Corrigenda

In the Arbitration and Conciliation Second Ordinance, 1996 (Ord. 11 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 26th March, 1996 (Issue No. 20),—

1. at page 2, in line 11, *for "Orinance", read "Ordinance"*.
2. at page 16, in line 11, *for "Coe", read "Code"*.
3. at page 18, in line 15, *for "excluded", read "excluded"*.

Corrigendum

In the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Second Ordinance, 1996 (Ord. 12 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 26th March, 1996 (Issue No. 21), at page 1, in the heading, *after "(AMENDMENT)", insert "SECOND"*.

Corrigendum

In the Industrial Disputes (Amendment) Second Ordinance, 1996 (Ord. 13 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 27th March, 1996 (Issue No. 22), at page 2, in line 13, *for "Corporations", read "Corporation"*.

Corrigendum

In the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Second Ordinance, 1996 (Ord. 15 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 27th March, 1996 (Issue No. 24).—

1. at page 1, in the promulgation formula, *for "Forty-seven", read "Forty-seventh".*
2. at page 4, in line 19, *for "clause(e)", read "clause(c)".*
3. at page 6, in line 14, *for "preferred", read "referred".*
4. at page 10.—
 - (i) in line 2, *for "employees", read "employees".*
 - (ii) in line 17, *for "be", read "have".*
5. at page 12, in line 22, *for "children infants.", read "children and infants."*
6. at page 21, in line 19.—
 - (i) *for "sub-clause", read "clause".*
 - (ii) *for "sub-section (p)", read "sub-section (3)".*

Corrigenda

In the Depositories (Second) Ordinance, 1996 (Ord. 17 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 27th March, 1996 (Issue No. 26).—

1. at page 5, in line 13, *for "entravéne", read "contravéne".*
2. at page 10, in line 46, *for "period", read "periods".*

Corrigenda

In the Supreme Court and High Court Judges (Conditions of Service) Amendment Second Ordinance, 1996 (Ord. 18 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 27th March, 1996 (Issue No. 27).—

At page 2,—

- (i) in line 1, *for "of powers", read "of the powers".*
- (ii) in line 5, *for "Act", read "Ordinance".*
- (iii) in line 11, *omit "in this Chapter".*

Corrigenda

In the Telecom Regulatory Authority of India (Second) Ordinance, 1996 (Ord. 20 of 1996) as published in the Gazette of India, Extraordinary, Part II, Section 1, dated the 27th March, 1996 (Issue No. 29).—

1. At page 2, in line 5, *for "Act", read "Ordinance".*
2. At page 6, in line 19, *for "practice", read "practices".*
3. At page 7, in line 39, *for "Act.", read "Ordinance.".*

Department of Personnel

Notification

1/47/(2)/76-PER (Vol. II) Pt. II

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Gazetted posts in the Directorate of Agriculture, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Group 'C' Non-Gazetted posts in the Directorate of Agriculture, Recruitment Rules, 1996.

(2) They shall apply to the posts specified in column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, Classification and scales of pay.*— The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and relax any of the provision of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for scheduled castes, and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

S. S. Keshkamal, Joint Secretary (Personnel).

Panaji, 17th July, 1996.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

SCHEDULE

Designation of the post	Name/ posts	Number of posts	Classifi- cation	Scale of pay	Whether selection post or non- selection post	Age limit for direct recruits	Whether selection post or non- selection post	Whether the benefit of added years of service is admissible under Rule 30 of CCS(Pension) Rules, 1972.	Educational and other qual- ifications required for direct recruits.	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees.	Method of recruitment, whether by direct recruitment or by probation, if any	Period of probation, if any	In case of recruitment by promotion/depu- tation/transfer, grades from which promotion/depu- tation/transfer is to be made.
Technical Assistant (1996)	Group 'C'	R.S.	Selection	Not exceeding 35 years (relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government)	No	Age: No. Essential: As indicated in Column 11.	Age: No. Qualification: As indicated in Column 11.	Two years failing which by direct recruitment and 50% by direct recruitment and possessing a Diploma in Mechanical Engineering from a recognised University or equivalent.	Promotion:-	Group 'C'	N. A.	D. P. C.	If a D. P. C. exists, what is its composition
Subject to variation.	Non-Gazetted.	Non-Gazetted.	1400-40-1800-EB-50-	-Ministerial	-1800-EB-50-	i) Bachelor of Technology (Agricultural Engineering) or B. Sc. (Agricultural Engineering) from a recognised University or equivalent.		50% by promotion failing which by Foreman Supervisor with 3 years regular service in the grade and					Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
dependent Non-Gazetted.	Non-Gazetted.	Non-Gazetted.	-2300					and possessing a Diploma in Mechanical Engineering from a recognised University or equivalent.					
workload.													

(i) Knowledge of Konkani.
Desirable: Knowledge of Marathi.